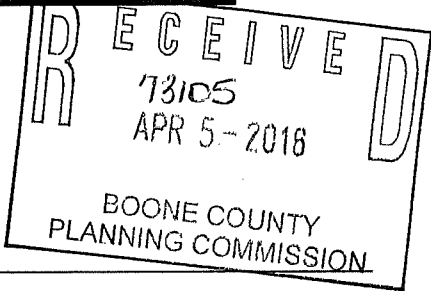


APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION



FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. Name of Project Williams Rd
2. Location of Project Williams Road
3. Total Acreage of Site 22.04
4. Current Zoning of Site RSE
5. Proposed Zoning (Classification being requested) SR-1
6. Proposed Uses (please specify each use) Single Family Homes
7. Names of Applicant(s) ECE, Inc
8. Address of Applicant(s) 4205 Dixie Highway, Elsmere, KY 41018
9. Name of Property Owner(s) Arlinghaus I, LLC (by contract)
10. Address of Property Owner(s) Edgewood, KY 41017
11. Proposed Building Intensities (please specify) 2.72 dua
12. Are there any existing buildings on the site? Yes
13. Deed Book 881, 745 Page No. 613, 310 Group No. 2004
14. Are you also applying for: no Conditional Use Permit, no Dimensional Variance
15. Have you submitted a Concept Development Plan? yes
16. Have you had a pre-application meeting with BCPC Staff? no
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months: no Boone County Water District, n/a Florence Public Services Dept., no Duke Energy, yes Sanitation District #1, no Cincinnati Bell, yes Owen Electric Cooperative, Inc., no Boone County Public Works Department, no Kentucky Transportation Cabinet, n/a Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)

**ZONING MAP AMENDMENT
APPLICATION
PAGE 2**

- no Boone County Building Department
- no Northern Kentucky Health District
- no USDA NRCS/Boone County Conservation District
- no KY Division of Water
- no Local School District
- no Local Fire District
- Other: _____

18. Project Jurisdiction/Location
- Unincorporated Boone County Walton
 Florence Union

19. ORIGINAL Property Owner's Signature Joe Collins OWNER BY CONTRACT
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature [Signature]
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

SECTION B (To be completed by BCPC Staff)

1. Date Received 4/5/14
2. Review Fee \$2219.60 R# 73105
3. Check what has been submitted:
 - Application
 - Fee
 - Legal Description
 - Concept Development Plan
 - Address of Adjoining Property Owners
 - Number of Copies of Plan Received**
4. Date Application is **Administratively Complete** as Defined in KRS 100.211
5. Staff Reviewer Kerrin Wall
6. Committee Chairman _____
7. Scheduled Public Hearing Date 5/4/16
8. Boone County Planning Commission Action:
 - Approval
 - Approval with Conditions 6/1/16
 - Denial
9. Other: _____ Resolution # _____

**Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail
www.boonecountyky.org - Web Page**

NOTE: An application consists of all fees paid in full, submitted drawings and a completed application form.

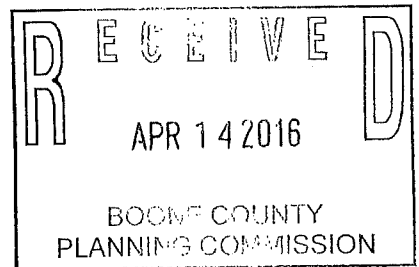
April 11, 2016

Williams Properties LLC, a Kentucky limited liability company, is the current owner of an approximately 25.7 acre tract of land located on Williams Road in Boone County, Kentucky, as described in Deed Book 745, page 310. It has signed an agreement to sell this parcel of land to Arlinghaus I LLC. Williams Properties LLC agrees to allow Arlinghaus I LLC to apply for a zone change for this parcel of land from RSE to SR1.

Williams Properties LLC

By: 

Member



EXHIBIT

“A”

STAFF REPORT

Request of ECE, Inc. (applicant) for Arlinghaus I, LLC (owner by contract) for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for a 22.04 acre site located on Williams Road between 2302 Williams Road and 2475 Graves Road, including the tract at 2338 Williams Road, Boone County, Kentucky. The request is for a zone change to allow a subdivision for detached single family residences.

May 4, 2016

PROPOSAL

This application is for a zone change from RSE to SR-1 for a 22.04 acre site located on Williams Road in unincorporated Boone County. The site is approximately 600 feet west of the Williams Road/Graves Road intersection, and directly faces I-275 to the south. The proposal is for a subdivision for detached single family residences.

A Concept Development Plan was submitted with this request. It illustrates an overall design for both the zone change area and an approximate 35 acre area to the north which is already zoned SR-1. The proposed density for the zone change area is 2.81 dwelling units per acre (62 lots on 22.04 acres), and the density for the overall subdivision is 3.26 dwelling units per acre (186 lots on approximately 57 acres).

The plan is organized by a main route that is comprised of two intersecting streets. The first is an extension of an approved street (Sapling Way) from a future phase of the adjoining Tree Tops Estates Subdivision. The Sapling Way extension is proposed to continue southward and intersect with a main entrance street from Williams Road in the south part of the overall development.

The remainder of the streets in the development are cul-de-sacs which branch off of the main route through the subdivision. Building lots front on all of the internal subdivision streets. The minimum lot size proposed on the Concept Development Plan is 9,000 square feet. Public water and sanitary sewer service are proposed.

ADJACENT LAND USES AND ZONING

The land use and zoning adjoining the subject site include the following:

- A. A future phase of Tree Tops Estates Subdivision is located to the north (SR-1).

- B. A combination of detached single family residences, wooded areas, and a nonconforming business, which are generally on acreage lots, are located to the east between the subject site and Graves Road (RSE).
- C. A combination of detached single family residences, wooded areas, and agriculture on acreage lots is located to the west (SR-1). Three detached single family residences on frontage tracts are located to the west immediately along the Williams Road frontage (RSE).
- D. I-275 is located to the south.

SITE CHARACTERISTICS

The site (zone change area) contains approximately 22.04 acres and has approximately 1,000 feet of frontage on Williams Road. Williams Road is listed as a collector roadway in Article 32 "Transportation Management Regulations" of the Boone County Zoning Regulations. The site contains a mobile home, several agricultural buildings, and a farm pond. The site has several wooded areas with cleared areas in between the wood cover.

The topography of the site runs downhill from north to south, with the lower areas being located along the east and west property lines and the Williams Road frontage. The elevation of the site ranges from approximately el 854 along the current RSE/SR-1 boundary at the north end of the site to approximately el 810 along the west property line near Williams Road. Soil types on the site include Avonburg silt loam (Av), Jessup silt loam (JeD), and Rossmoyne silt loam (RsB). Public water mains exist in the Williams Road right-of-way and in the adjoining Tree Tops Estates Subdivision. Public sanitary sewer mains exist in the adjoining Tree Tops Estates Subdivision and several other locations in the general vicinity.

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2010 Boone County Comprehensive Plan's Future Land Use Map designates approximately three quarters of the site as "High Suburban Density Residential" (HSD). This designation is described as "single-family and/or attached housing of up to 8 dwelling units per acre. This classification is typified by townhouse, condominium, and zero-lot line development, and also pertains to existing mobile home parks." The remaining approximate one quarter (located along the west property line) is designated for "Suburban Residential" (SR) uses. This designation is described as "single family housing of up to four units per acre. This classification does not preclude low density or estate residential developed as a formal subdivision."

The Land Use Element provides the following quotes that relate to the proposal and/or general area.

- A. Subdivision activity should continue around Bullittsville and along Bullittsville Road, with High Density Suburban Residential and local commercial uses designed to reinforce the small town character. Residential development proposed to access Graves Road, including the portion south of I-275, must be accompanied by improvements to that road. Development to the east of Bullittsville Road and south of KY 20 should include a network of road connections and is a prime location for a residential collector road between Bullittsville Road and KY 20 that includes no individual driveways or lot frontages ("16. Hebron," pg. 178).
- B. Land to the west of North Bend Road and south of Graves Road is suitable for High Suburban Density Residential development, which will provide a transition to the Suburban Residential densities in the Francisville area. This High Suburban Density Residential development must be clustered to make the most effective use of the land and preserve important natural features. In addition, because of the area's topography, the retention of existing wooded areas near Sand Run Creek provides the only appropriate transition area between Park West and planned residential development. Acreage next to the interstate, at Graves Road, is appropriate for high-profile office uses in order to take advantage of visibility to interstate traffic and to provide a transitional use between the business park development to the east and residential uses to the west. Combined with a future parallel road north of I-275, a possible interchange at Graves Road should preclude any need to directly connect the Idlewild Interchange with KY 8 ("16. Hebron," pp. 178 and 179).
- C. The Industrial/Business Park shown south of I-275 in the Bullittsville area is dependent upon a future interchange in the Graves Road area ("16. Hebron," pg. 178).
- D. Some Suburban Residential and Rural Density Residential development should occur along the southern portion of Williams Road as a result of infrastructure improvements. Future road access to the KY 8 area from the Graves Road and KY 237 areas would be more suitable than the discussed connection of KY 8 with the I-275 Idlewild Interchange, because of topography and Developmentally Sensitive Areas. With planned public sanitary sewer improvements in the Sand Run Creek and Elijah Creek watersheds, including sewer lift stations, there will continue to be considerable growth pressures. Development should be clustered on the ridge top areas because of the limited capacity of the existing roadway network, the Developmentally Sensitive areas, and the importance of the stream valleys as greenbelts. Lower density development, such as Rural Density Residential, should

provide a transition into the Developmentally Sensitive areas ("17. North Hebron," pg. 180).

- E. There are areas within this section of the County which are suitable for recreational uses, such as the 422 acre Traditions Golf Course on Williams Road. This section should experience considerable residential growth pressures especially around the golf course to the east. This development should not occur until adequate infrastructure is provided, including significant improvements to Graves Road. The area west of the golf course and north of I-275 should develop residentially, once adequate road access and utilities are available. As stated in previous sections, this development should not encroach on the developmentally sensitive areas.

Land in the Williams Road area, north of I-275, is suitable for some Suburban Density residential development now that Worldwide Boulevard is completed and water and sanitary sewer are available. A road connection from KY 8 to I-275 warrants further study to determine feasibility and potential impacts on Developmentally Sensitive areas. Such a connection may be more appropriate between the Idlewild interchange and Graves Road near and parallel to I-275. Limited Rural Density residential growth should occur along other roads in this section. Suburban Residential development cannot be adequately supported by the existing road system, and significant improvements to Williams Road would be necessary.

Conventional layout subdivisions should be discouraged because of their inefficient circulation systems and excessive site grading requirements. The stream valleys and ridge bluff edges in this section should remain in their current state to provide public open space for the residential development on the ridge tops. Overall, this section should experience growth because of its proximity to I-275 and the Burlington-Hebron areas.

In general, Suburban Residential development should be concentrated on land nearest to KY 237, as indicated on the Future Land Use Map. Unlike most developing areas of Boone County, the north river area contains only one primary means of access, being North Bend Road. In the event that a bridge is proposed between Boone County and Hamilton County, a full study of the impacts should be made. These impacts could include effects on labor supply and transpositions, increased truck traffic in Boone County, and impacts on existing and planned residential areas ("17. North Hebron," pg. 180).

The Land Use Element's Future Land Use Development Guidelines provide the following general comments that relate to the proposal.

- A. Developments in Boone County should begin with an assessment of the existing site features to determine positive and useful attributes, as well as features which should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole, rather than leveling an entire site to meet a pre-conceived project design. Development plans should identify such areas, and delineate disturb limits to protect those areas that have been defined. True Open Space subdivision design should be considered to blend new subdivisions in with areas that have a rural character ("Utilization of Existing Vegetation and Topography," pp. 161 and 162).
- B. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as open space within developments and between developments. Developments proposed adjacent to planned or established open spaces should provide pedestrian access where appropriate. Natural green space benefits the community as well as encourages developers to create innovative development designs through clustering of buildings and impermeable area. Typically, buffering is required and provided between unlike land uses; however, as the development of Boone County fills in previously rural areas, different lot sizes and designs of residential development sometimes impact each other. Where an appropriate gradation of lot size and setbacks cannot be designed into a proposed residential subdivision development of a significantly higher density than existing adjacent residential uses, deliberate vegetation buffering may need to be incorporated into the design to help protect low density residential areas. Buffer areas should use and supplement existing site features where possible. ("Buffering," pp. 162 and 163).
- C. Developments in Boone County must include landscaping to accompany the proposed project. Retention of existing healthy vegetation is considered a component of landscaping and is encouraged. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas, as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways.

Developments along major roadways in Boone County must include landscaping between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing land uses ("Landscaping," pg. 163).

- D. Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, provisions for access connections to adjoining properties, and dedication of public right-of-way ("Access Management," pg. 163).
- E. Developments in Boone County must be designed, where appropriate, to improve the County's transportation network system of roadways, and functional classifications must be used in the planning for and designing of new developments. Collector roadways should be extended and developed to provide for the safe movement of traffic through and between subdivisions. Development along existing arterials and collector roadways should not have direct driveway access, but be served by a local street. Appropriate road connections should be constructed to provide alternate routes for traffic to and through specific projects and to enhance the capacity of existing streets. The traditional grid system can provide an alternative to typical suburban design. Parallel and frontage roads should be used to minimize impacts of individual sites on collector and arterial roadways. Appropriate pedestrian networks should be incorporated into the design of developments which will generate or experience significant pedestrian use. These networks should not only provide internal paths, but should provide connections to adjoining uses where appropriate. Public open space and recreation sites should be connected to each other by bicycle and pedestrian paths where appropriate. Transit Oriented Development (TOD) is discussed in detail in the Transportation Element, and should be examined as a future direction in Boone County development patterns ("Transportation and Pedestrian Network," pp. 163 and 164).
- F. Developments in Boone County should give consideration to the overall design of the area. Site, landscape, and building design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention ("Design, Signs, and Historic Preservation," pg. 164).

The Population Element outlines population estimates based on OKI transportation analysis zone "regions." The population of the "Hebron" region where the subject site is located is estimated to change to 15,086 in 2020, and to 17,886 in 2030.

The Business Activity Element makes the following statements regarding the surrounding areas.

- A. The Hebron area will experience additional commercial development along KY 237 and KY 20 as the northern area increases in population. The existing commercial center along KY 20, just east of KY 237, will probably not expand significantly because the new highways, I-275 and KY 237, have bypassed it. Commercial development in Hebron will center around the intersection of new KY 237 and KY 20 with a limited amount of convenience and neighborhood commercial uses north of the I-275 interchange to serve the SouthPark Industrial Park, Park West Industrial Park, and the growing number of residential subdivisions along North Bend Road. Park West is also the home of a Foreign Trade Zone (FTZ No. 47) which is an area exempt from Customs payment, taxes, and duties normally associated with international trade. Such FTZ's are designed to stimulate economic growth while encouraging companies to keep their operations in the United States ("Recommended Areas of Commercial Activity," pg. 68).
- B. The KY 237 and Mineola Pike I-275 Interchanges will experience continued industrial development in addition to the previously outlined commercial/office development. The mixture of uses should be carefully designed and planned to minimize negative impacts. The existing and future residential uses must be adequately buffered from the new development in these two interchange areas. Future office development is recommended for the Marydale area ("Recommended Areas of Industrial and Office Activity," pg. 71).
- C. Several future interstate highway interchanges have been discussed for Boone County including one on I-275 west of Hebron, one on I-75 south of Walton (possibly just across the county line), and another on I-71 between Walton and Verona. The implementation of any of the interchanges must be accompanied with a land use study that evaluates and protects future industrial and business park land. Service and highway commercial development should be minimal in order to preserve prime industrial or business park land ("Recommended Areas of Industrial and Office Activity," pg. 71).

The Housing Element makes the following statements that relate to the project or the overall area.

- A. The design of true open space housing development should be encouraged as an alternative to the conventional subdivision divided entirely into ownership lots. To accomplish this, densities within portions of a site can be increased while the overall intensity on the site can remain basically the same. Topography, vegetation, and public improvement costs reduction should be incentives for open space design. Provision is made in the zoning and subdivision regulations for true open space design to occur under existing zoning. By increasing densities and clustering on portions of a site, these planned developments will preserve green space and/or provide space for public facility or recreation opportunities. The overall intensity of units per acre on the whole site becomes the issue to consider when evaluating public services and relationship to the Future Land Use Map. All residential developments should be designed to preserve and utilize natural site features wherever possible ("Open Space Subdivision Design," pg. 82).
- B. North Bend Road has been upgraded to better serve development in that corridor, including the continuation of Thornwilde and the new Rivers Pointe Estates. The flat North Bend Bottom area and other river bottoms should be reserved primarily for their present agriculture, or for appropriate residential, recreational, or employment uses that further enhance the riverfront resource without placing development in flood prone areas. Hillside development guidelines should be followed in this area to properly locate structures and avoid complete clearing of natural vegetation along the tops of hillsides so that development does not overwhelm the public view. The Williams Road area should be evaluated in the Land Use Element for future residential growth, if infrastructure can be provided ("North River/I-275 Corridor Area," pp. 83 and 84).

The "Summary of the 2006 Boone County Transportation Plan Recommendations" section in the Transportation Element lists the following Recommended Capacity Projects that are in the general area (pg. 147).

- I-275 Interchange at Graves/Williams Rd
- Graves Rd improvements

The "Street Connections" section in the Transportation Element lists the following recommended connections that are in the general area (pg. 148).

- Litton Lane to Graves Road
- parallel road system on the north side of I-275 between Graves Road and the Petersburg Interchange and connection to Williams Rd.

The 2010 Boone County Comprehensive Plan Goals and Objectives include the following pertinent statements.

- A. Proper planning is achieved through accepted land use management tools and coordination with public infrastructure ("Overall," Goal).
- B. Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged within appropriately planned and designed neighborhood developments ("Overall," Objective 2).
- C. Proper design principles shall be applied in development ("Overall," Objective 3).
- D. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be monitored, maintained, and improved as needed ("Overall," Objective 4).
- E. Boone County shall strive to achieve both a diversity and balance in land use. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of the general public in a fair and impartial manner ("Overall," Objective 6).
- F. The needs of Boone County's population are measured and fulfilled through the provision of orderly growth ("Population," Goal).
- G. New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation, and encourage preservation of the existing character of the land. Development design should minimize grading work as opposed to clearing the entire site. Existing trees and pasture land shall be evaluated during the design and construction process as a visual and economic benefit to the community ("Environment," Objective 2).
- H. Existing vegetation shall be considered as both an important site characteristic and a community resource ("Environment," Objective 9).
- I. A broad range of housing opportunities shall be provided which meet the needs and desires for all household types ("Housing," Objective 1).
- J. Housing supply in Boone County shall be balanced against present and planned commercial, industrial, and education needs. Primary and Secondary education capacity shall be evaluated during housing development review ("Housing," Objective 4).
- K. In order to offer the citizens of Boone County maximum choice in living environment, residential developments shall be judged primarily on the impact on infrastructure, buffering, and development design with only secondary consideration given to the type of dwelling units ("Housing," Objective 5).

- L. The interior street system of new residential developments shall insure continuity with adjacent built or planned neighboring areas. Residential developments shall be encouraged to provide interconnections between sections of their developments and with adjacent developments to promote safe and easy transportation access and a sense of neighborhood interaction. Based on certified traffic analysis, collector and sub-collector streets shall be evaluated to determine design without individual lot or driveway access. Lot and home buyers shall have access to approved plans regarding future connections. The interior street system shall also coordinate with and continue the evolving multi-modal transportation system (pedestrian and bicycle facilities, mass transit stops) ("Housing," Objective 8).
- M. New or redeveloped residential areas shall be designed to establish clearly defined neighborhoods with a mix of retail, public, and recreational uses. Established neighborhoods shall be protected and enhanced, and deteriorated neighborhoods shall be regenerated ("Housing," Objective 9).
- N. Clustering (increasing net density while not altering overall gross usable density) shall be promoted by appropriate incentives. Clustered housing or Open Space Subdivisions shall be permitted not only in planned developments, but in appropriately designed subdivisions under conventional zoning ("Housing," Objective 11).
- O. Residential developments shall be encouraged to plan and build in a manner which is compatible not only with the general housing density and design planned for the area but also with the existing conditions of the site, including the suitability of adjoining lands for appropriate access, and significant site features ("Housing," Objective 12).
- P. Safe, efficient and environmentally sound public services and facilities shall exist for all development ("Public Services and Facilities," Goal).
- Q. New infrastructure systems shall be built to definite planned and balanced capacities and for definite urban and rural forms ("Public Services and Facilities," Objective 2).
- R. The local transportation system in Boone County shall be maintained and improved so that overall safety and level of service will be enhanced. Inefficiencies in the system will be identified and addressed. New land development shall be closely coordinated with the local transportation system to assure efficiency and continuity with the regional multi-modal transportation system ("Transportation," 2nd Goal).

- S. New connector streets shall be developed where needed and feasible thus lessening the total dependence on arterial, collector, and local streets. Existing connector streets shall be improved where needed ("Transportation," 2nd Goal, Objective 2).
- T. Proper vehicular and pedestrian access to adjoining property shall be provided and/or retained when a property develops or redevelops ("Transportation," 2nd Goal, Objective 3).

BOONE COUNTY TRANSPORTATION PLAN 2030

- A. North Bend Road is illustrated as a "Six Year Highway Plan Project" on the "Operational Improvement Plan Project Locations Map" (Exhibit 5-2, pg. 5-4).
- B. Exhibit 6-1 "Recommended Long-Range Highway Projects (pg. 6-2) lists the following "Recommended Projects" that are in the general area.

Map ID 6 - New I-275 Interchange: New I-275 interchange in vicinity of Graves Road/Williams Road/Watts Road. This is listed as a high priority project (less than 10 years) in Exhibit 6-13 "Recommended Transportation Plan Project Prioritization" (pg. 6-20).

Map ID 7 - Graves Road: Realign with Bullittsville Road and widen/improve from KY 20 Petersburg Road to KY 237 North Bend Road. This is listed as a medium priority project (11 - 20 years) in Exhibit 6-13 "Recommended Transportation Plan Project Prioritization" (pg. 6-20).

Explanatory text for both of these projects is provided on page 6-5.

- C. Exhibit 6-7 "Year 2030 Traffic Volumes and Levels of Service - Recommended Transportation Plan Network" (pg. 6-10) illustrates the level of service for Williams Road as LOS B, Graves Road north of I-275 as LOS C, Graves Road south of I-275 as LOS D, Worldwide Boulevard as LOS E, and North Bend Road between the I-275 interchange and Worldwide Boulevard as LOS E.
- D. Exhibit 6-14 "Connector Streets and Roads" (pg. 6-22) illustrates a "intermediate connector" (Worldwide Boulevard extension) extending westward across Graves Road and approximately through the portion of the proposed subdivision that is already zoned SR-1.

- E. Exhibit 6-18 "Multi-Use Trail Network" (pg. 6-29) illustrates a "proposed trail location" along the entire length of Graves Road.

STAFF COMMENTS

1. COMPREHENSIVE PLAN AND STATUTORY FINDINGS

The 2010 Boone County Comprehensive Plan's Future Land Use Map designates approximately three quarters of the site as "High Suburban Density Residential" (HSD). This designation is described as "single-family and/or attached housing of up to 8 dwelling units per acre. This classification is typified by townhouse, condominium, and zero-lot line development, and also pertains to existing mobile home parks." The remaining approximate one quarter (located along the west property line) is designated for "Suburban Residential" (SR) uses. This designation is described as "single family housing of up to four units per acre. This classification does not preclude low density or estate residential developed as a formal subdivision."

The Land Use Element ("17. North Hebron," pg. 180) states "some Suburban Residential and Rural Density Residential development should occur along the southern portion of Williams Road as a result of infrastructure improvements. Future road access to the KY 8 area from the Graves Road and KY 237 areas would be more suitable than the discussed connection of KY 8 with the I-275 Idlewild Interchange, because of topography and Developmentally Sensitive Areas. With planned public sanitary sewer improvements in the Sand Run Creek and Elijah Creek watersheds, including sewer lift stations, there will continue to be considerable growth pressures."

This section of the Land Use Element also states "there are areas within this section of the County which are suitable for recreational uses, such as the 422 acre Traditions Golf Course on Williams Road. This section should experience considerable residential growth pressures especially around the golf course to the east. This development should not occur until adequate infrastructure is provided, including significant improvements to Graves Road" and "land in the Williams Road area, north of I-275, is suitable for some Suburban Density residential development now that Worldwide Boulevard is completed and water and sanitary sewer are available."

On this same topic, the Housing Element ("North River/I-275 Corridor Area," pg. 84) states "the Williams Road area should be evaluated in the Land Use Element for future residential growth, if infrastructure can be provided." Additionally, the Land

Use Element, Housing Element, and the Goals and Objectives encourage the use cluster or open space subdivision designs.

The issue of adequate infrastructure, particularly roadways and sanitary sewer service, are discussed in both the Comprehensive Plan and the Boone County Transportation Plan 2030. Notable roadway issues include the need for "significant improvements to Graves Road" and a potential I-275 interchange at Graves Road/Williams Road (the interchange is mentioned several times in these documents and is discussed further below). This interchange could potentially affect the zone change area. Street connections between adjoining development sites are advocated by both the Future Land Use Development Guidelines and the Goals and Objectives.

The governing bodies will also need to consider the alternate statutory findings for the requested zone change of whether the current zoning is inappropriate and the proposed zoning is appropriate, and whether there have been changes of an economic, physical, or social nature not anticipated in the comprehensive plan that substantially alter the area's character.

2. I-275 INTERCHANGE AT GRAVES ROAD/WILLIAMS ROAD

As mentioned above, a new freeway interchange at the Graves Road/I-275 overpass is discussed several times in the 2010 Boone County Comprehensive Plan (Land Use Element, Business Activity Element, and Transportation Element). It is also discussed in the Boone County Transportation Plan 2030. The State allocated \$375,000 for an Interchange Justification Study for this improvement through the budget that was adopted in April, 2016, and it is included in the Six Year Highway Plan. The County is committed to paying the remainder of the \$750,000 cost of the study. The layout of the interchange will be determined through the Interchange Justification Study.

Additional information regarding the proposed interchange is outlined in the attached 4/29/16 e-mail from Carol Callan-Ramler with the Kentucky Transportation Cabinet, District 6. Specific to the zone change request, the e-mail states "the District would like to propose a phased build-out approach to the subdivision, such that the area closest to Williams Rd. be the last phase."

3. DESIGN ISSUES

Staff has the following comments on design related issues.

- A. Existing Tree Cover/Landscaping: The site has substantial existing tree cover around its perimeter. The Comprehensive Plan's Future Land Use Development Guidelines and the Goals and Objectives both advocate the retention of existing vegetation for compatibility purposes. When considering that the site is bordered by single family residences and agriculture on multi-acre lots, and directly faces I-275, Staff recommends that the existing tree cover around the perimeter of the site be retained.

For the applicant's information, landscaping is required along the Williams Road frontage in accordance with Section 308.B "Landscaping Along Collector and Arterial Roads" of the Boone County Subdivision Regulations. Existing, mature tree cover which is retained can be credited towards these requirements.

- B. Street connections between adjoining properties are advocated by the Comprehensive Plan and are commonly required by Section 305.N "Temporary Dead-End Streets and Street Connections to Adjoining Tracts of Areas" of the subdivision regulations. Upon an initial evaluation, street connections to adjoining properties to both the east and west appear to be feasible and of benefit, particularly from the portion of the proposed subdivision which is already zoned SR-1. The project engineer has stated that the development team would address street connections at the Preliminary Plat stage. As noted above, Exhibit 6-14 "Connector Streets and Roads" (pg. 6-22) of the Boone County Transportation Plan 2030 illustrates a "intermediate connector" (Worldwide Boulevard extension) extending westward across Graves Road and approximately through the portion of the proposed subdivision that is already zoned SR-1.
- C. The lot at the southeast corner of the subdivision along Williams Road has no frontage on an internal street and does not have a dwelling drawn on it. It is presumably intended for storm water management purposes and/or a lift station. The applicant should clarify the intended purpose(s) of this lot.
- D. For the applicant's information, there are several code requirements that are not met on the Concept Development Plan, but could be readily fulfilled with minor adjustments. These include:
- I. The main route through the subdivision between Williams Road and Treetop Lane needs to be a subcollector street based on the number of lots that it will serve.

- ii. Fencing may be required along the common property lines with adjoining agricultural uses per the requirements of Section 308. A "Required Fencing Between Residential Development and Agricultural Uses" of the subdivision regulations. This section appears to minimally apply to the common property line with the large tract that is to the west of the southern half of the overall subdivision.

4. SANITARY SEWER

Greg Haggard, Project Coordinator with Sanitation District #1, has commented that "sanitary sewer capacity has been reserved for the development" (4/22/16 e-mail is attached). He also commented that this development would use the IDI pump station, versus the Sand Run pump station which serves the North Bend Road area and currently has capacity limitations.

5. OTHER OUTSIDE AGENCY COMMENTS

Staff has requested comments on the proposal from the Boone County Public Works Department, Boone County Schools, Boone County Water District, and the Hebron Fire Protection District. Such comments have not been received as of this writing. Any written comments received from these agencies will be forwarded to the Zone Change Committee for review.

5. 2009 GRAVES ROAD ZONE CHANGE

A similar zone change application was conditionally approved in 2009 for another expansion of Treetops Estates Subdivision for a site along Graves Road. This application was for a change from RSE to SR-1 for 5.134 acres of a 59.65 acre site (the property owner was Arlinghaus I, LLC). The 4/1/09 Committee Report with a plan exhibit is attached for reference.

CONCLUSION

The Boone County Planning Commission and the Boone County Fiscal Court need to evaluate the application in terms of the three criteria necessary for approving a Zoning Map Amendment as stated in Article 3 "Amendment" of the Boone County Zoning Regulations, the 2010 Boone County Comprehensive Plan, and the potential impacts on the existing and planned uses in the area. The Future Land Use Map will not need to be amended if this request is approved.

Respectfully submitted,



Kevin T. Wall, AICP
Director, Zoning Services

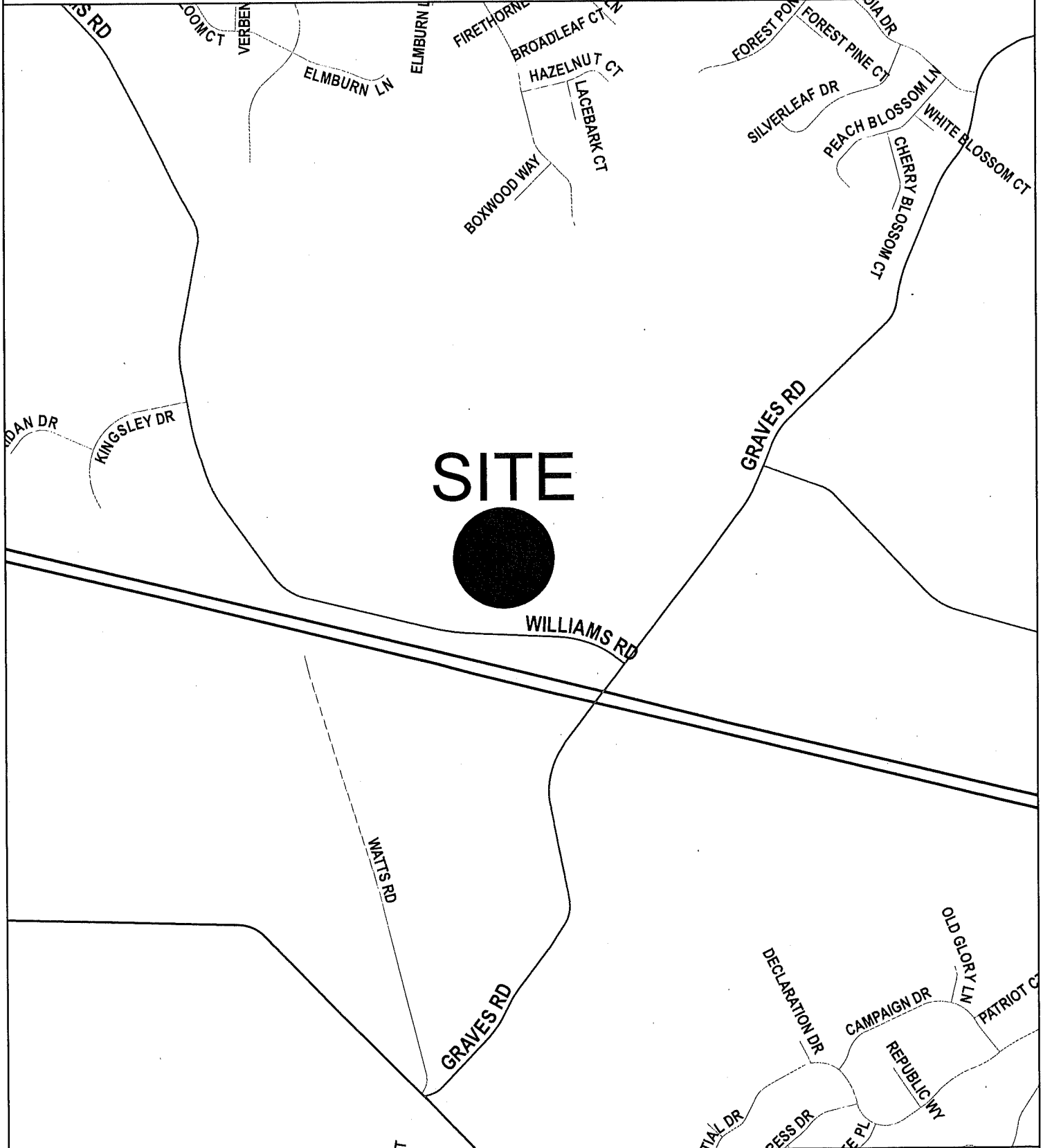
KTW/tlb

Attachments:

- Location map
- Aerial photograph with zoning
- 2035 Future Land Use Map excerpt
- Topographic map
- 4/29/16 e-mail from Carol Callan-Ramler, Kentucky Transportation Cabinet, District 6
- 4/22/16 e-mail from Greg Haggard, Project Coordinator, Sanitation District #1
- 4/1/09 Committee Report and plan exhibit for 2009 ECE, Inc./Arlinghaus I, LLC zone change
- Application materials including Concept Development Plan
- Written public comment received to date

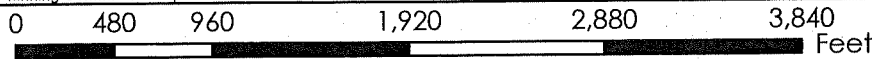
Location

www.boonecountygis.com



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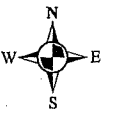
Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 inch = 943 feet



Boone County GIS - Putting Northern Kentucky on the Map

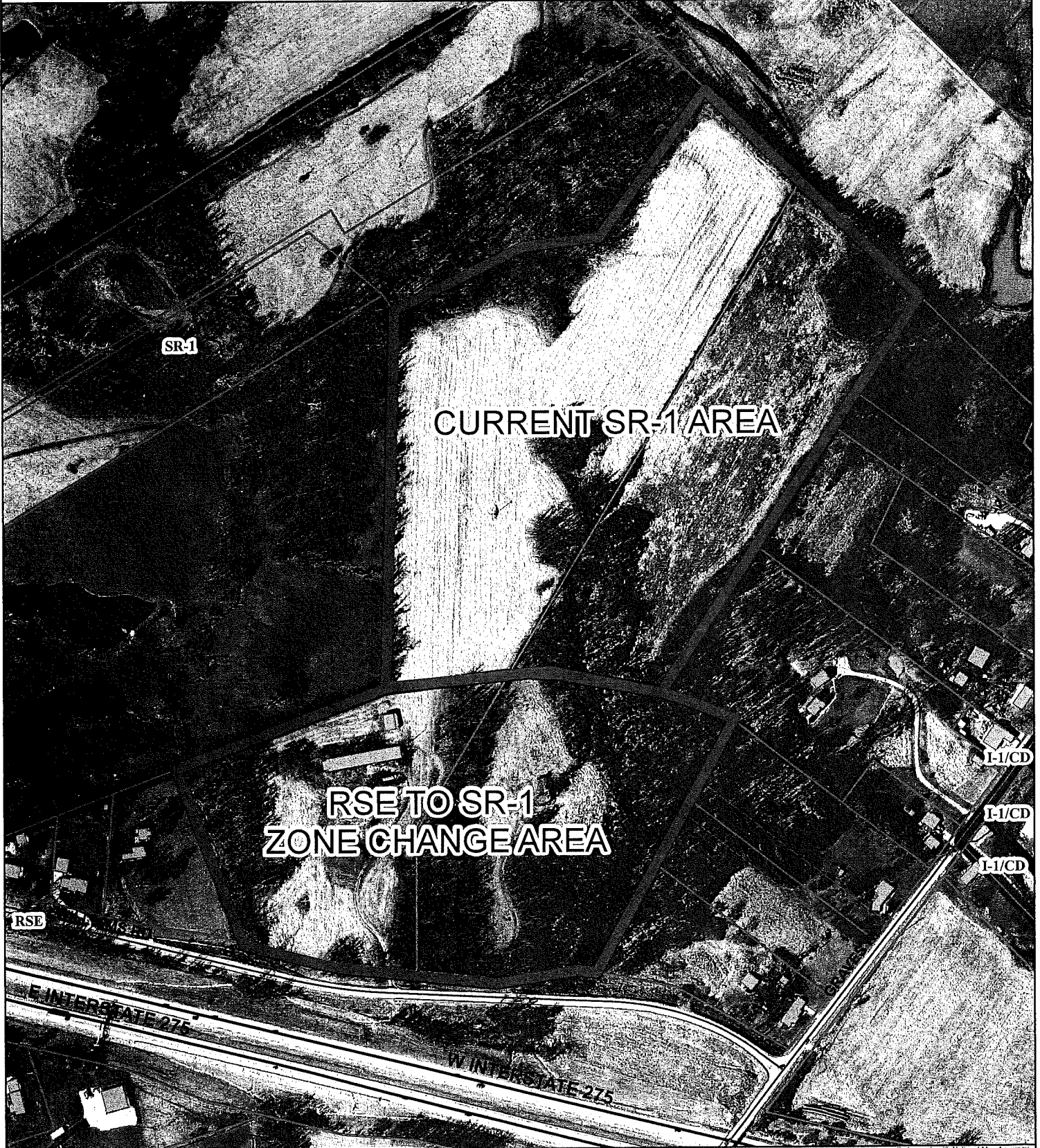


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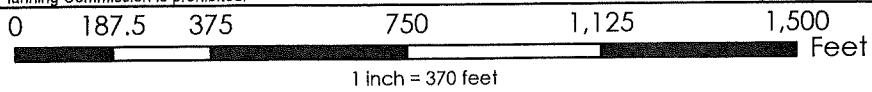
Zoning

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Boone County GIS - Putting Northern Kentucky on the Map

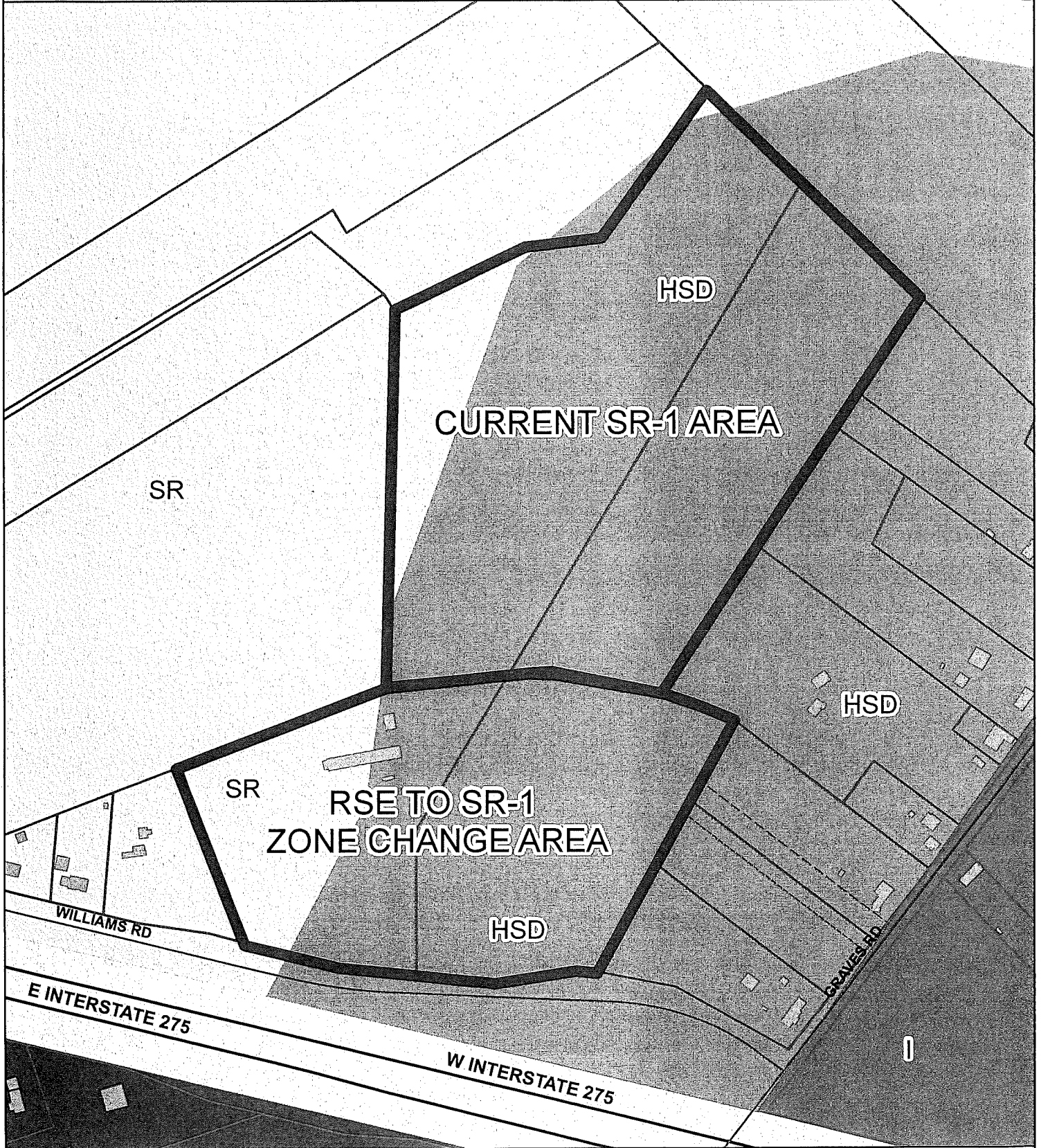


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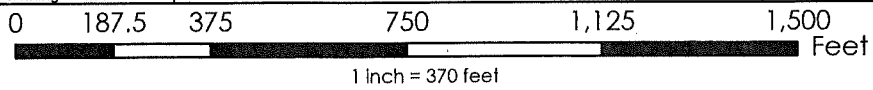
Future Land Use

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Boone County GIS - Putting Northern Kentucky on the Map

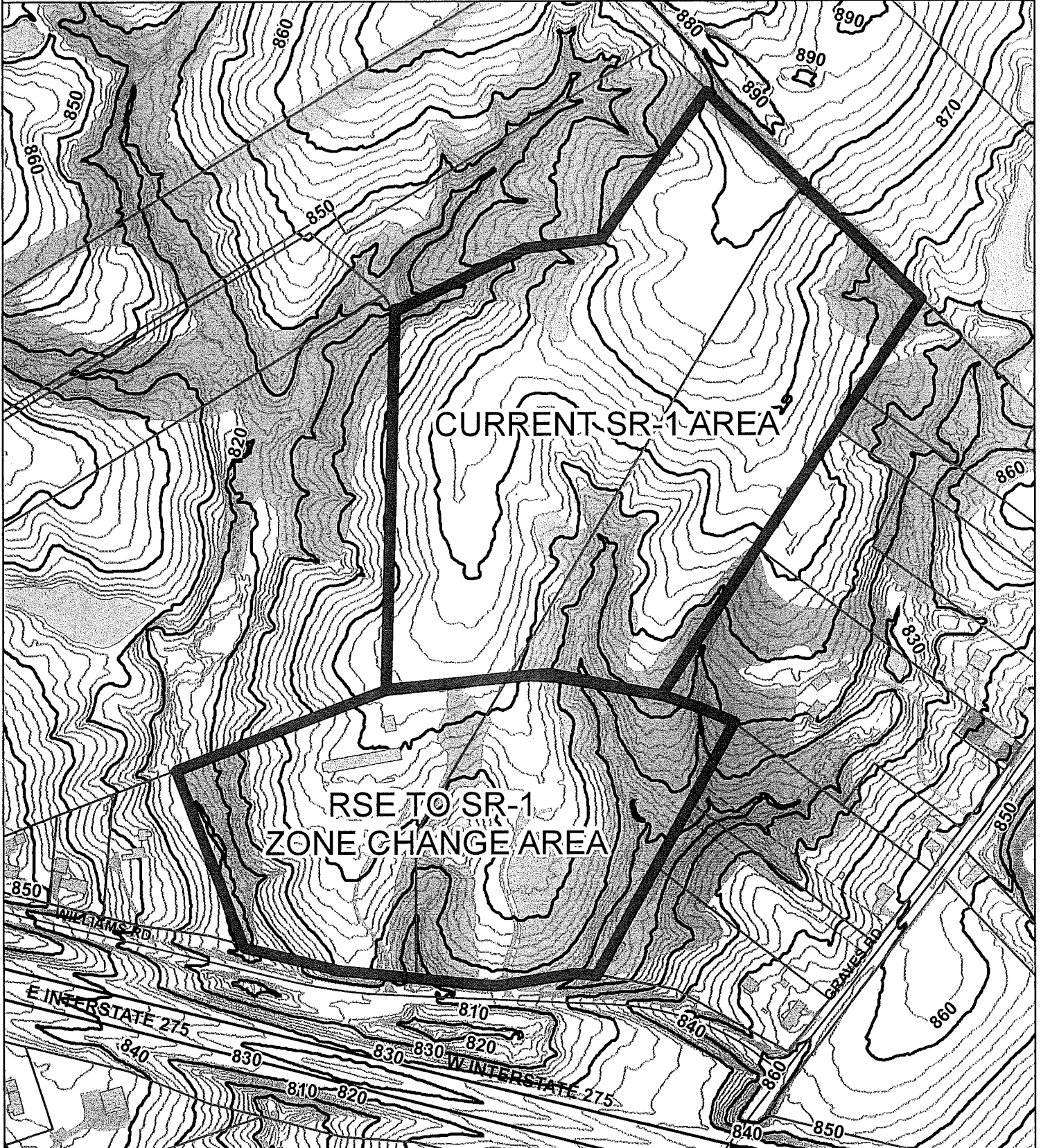


Map Created: 01/01/2015

Scale: 1 inch = 370 feet
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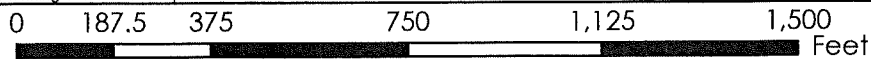
Topography

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1 inch = 370 feet



Boone County GIS - Putting Northern Kentucky on the Map



Kevin Wall

From: Callan-Ramler, Carol (KYTC-D06) <Carol.Callan-Ramler@ky.gov>
Sent: Friday, April 29, 2016 3:41 PM
To: Kevin Wall
Cc: Menetrey, Daniel A. (KYTC-D06); Bogen, Matthew (KYTC-D06); Kevin Costello
Subject: 6-8953: Treetops Estates Boone Co. Planning - District Comments

Hi Kevin,

It was good to see you today. In regards to the proposed zoning change for the expansion of the Treetops Estates subdivision, the District offers the following comments:

1. Just this week the Governor signed the biennial highway plan. Therein is a project for the Planning phase of constructing an interstate interchange for Graves Road at I-275. Generally, it is expected that the Interchange Justification Study (IJS - a required document for the Federal Highway Administration) will commence late this year, early next year. The study will take approximately 1 year. During the course of the study, the layout of the proposed ramps will be determined. However, we are anticipating that the interchange will be in the traditional diamond formation with the ramps running parallel to I-275.
2. In anticipation of the new interchange, it is further expected that Williams Rd. approach to Graves Road will be reconfigured. The "how" of this will also be determined during the course of the IJS. This is important because the currently proposed location for the Treetops Estates intersection with Graves Road may be too close to Graves Road and could be affected.
3. The District would like to propose a phased build-out approach to the subdivision, such that the area closest to Williams Rd. be the last phase.
4. While premature to say, there is consideration that the existing Graves Road bridge over I-275 might be replaced by a new bridge (maintain traffic on 1 bridge to construct a new bridge) then the distance of the Treetops Estates connection to Williams Road might be too close to Graves Road.

Should you need further assistance, please contact either Danny or myself.

Thanks,

Carol

Kevin Wall

From: Haggard, Greg <ghaggard@sd1.org>
Sent: Friday, April 22, 2016 5:08 PM
To: Kevin Wall
Cc: Joe Verst; Andy Aman
Subject: Letter of April 8, 2016 regarding Treetops Estates development

Kevin,

This email is in response to your letter of April 8, 2016 requesting comments regarding the proposed Treetops Estates development. We have not received any improvement plans for new phases at this time. However, sanitary sewer capacity has been reserved for the development.

Stormwater issues will fall under Northern Kentucky Stormwater Rules and Regulations. Inquiries should be directed to Andy Aman at 859-578-6880 or aaman@sd1.org.

Please let me know if you have any questions.

Best regards,

--

Greg Haggard

Project Coordinator
Planning and Design Group
SD1
ph 859-578-6763
fax 859-578-6897
email: ghaggard@sd1.org

I am not the Official Custodian of Public Records at SD1. All requests for public records must be sent to SD1's Official Custodian of Records at: 1045 Eaton Dr. Ft. Wright, KY 41017, Attention: Official Custodian of Records; facsimile at [\(859\) 331-2436](tel:(859)331-2436) or via email to records@sd1.org. Your request will not be forwarded.

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Charlie Rolfsen, Chairman

DATE: April 1, 2009

RE: Request of ECE, Inc. (applicant) for Arlinghaus I, LLC (owner) for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for 5.134 acres of a 59.65 acre tract located at 2225 Graves Road, Boone County, Kentucky. The request is for a zone change to allow single family residences.

REMARKS:

We, the Committee, recommend approval of the above referenced request based on the following findings of fact and with the following conditions:

FINDINGS OF FACT

1. The Committee has concluded that the request is in agreement with the 2005 Boone County Comprehensive Plan for the following reasons:

- A. The 2005 Boone County Comprehensive Plan's "2030 Land Use Plan" designates the site for "High Suburban Density Residential" uses. This designation is described as "single-family and/or attached housing of up to 8 dwelling units per acre. This classification is typified by townhouse, condominium, and zero-lot line development, and also pertains to existing mobile home parks."

The revised Concept Development Plan shows that all or a portion of seventeen (17) single-family residential lots will be platted in the zone change area (intensity range of 2.73 to 3.31 dwelling units per acre).

- B. The proposal is agreement with the following Future Land Use Development Guideline in the Land Use Element:

"Developments along major roadways in Boone County must include landscaping between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing land uses" (Landscaping, pg. 141).

The revised Concept Plan shows berms will be provided along the Graves Road frontage. These berms will promote an aesthetic quality from the road and will buffer the future houses from the industrial subdivision and firehouse located across the street.

- C. The Land Use Element text states that "residential development proposed to access Graves Road, including the portion south of I-275, must be accompanied by improvements to that road" (Hebron Area pg. 154).

The applicant has agreed to a condition that deals with transportation improvements at the future Graves Road/Treetop Lane intersection.

- D. The proposal is in agreement with the following passage from the Housing Element:

Residential development should occur near established urban or suburban areas, as opposed to leapfrogging to isolated areas, such as the western portion of the county (Conclusion, pg. 80).

- E. The proposal is in agreement with the following Goals and Objectives:

- Residential developments shall be encouraged to plan and build in a manner which is compatible not only with the general housing density and design planned for the area but also with the existing conditions of the site, including the suitability of adjoining lands for appropriate access, and significant site features (Housing, Objective).

54.516 acres of the parent tract is already zoned SR-1.

- Priority shall be given toward maintaining, protecting, and improving the capacity and safety of the existing road system (Transportation, Objective).
- Traffic impact analysis should be used as a tool to address impacts to the existing roadway system (Transportation, Objective).

The applicant has agreed to a condition that deals with transportation improvements at the future Graves Road/Treetop Lane intersection.

2. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2005 Boone County Comprehensive Plan. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with the conditions.

CONDITIONS

1. The approval is based on the revised Concept Development Plan that was submitted at the March 18, 2009 Zone Change Committee Meeting (see attachments).

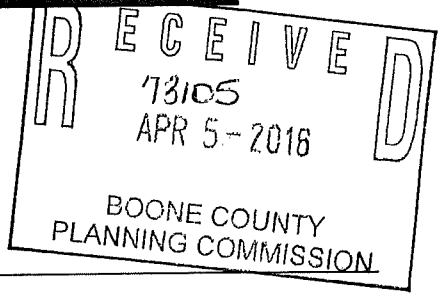
2. The developer shall pay for any needed improvements at the intersection of Graves Road and Treetop Lane. The improvements shall not exceed a left hand turn lane and/or deceleration lane which are built to Kentucky Transportation Cabinet specifications. The County Engineer shall have one (1) year to determine what road improvements are necessary after Treetop Lane is extended to Graves Road and is open to the public. The County Engineer's final determination shall be based on a traffic study which is prepared by Boone County Public Works.
3. The landscaping berms shown along the Graves Road frontage shall be a minimum of 3' tall. Columnar evergreen trees shall be planted on the berms every twenty feet on center. All trees shall be selected from Plant List D and shall be 6 feet tall at the time of installation.
4. The driveway on lot 330 shall be located in close proximity to the lot 329/330 common property line.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request. Attached is the signature page for the Zone Change/Concept Development Plan Committee Vote.

APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED
(See Boone County Zoning Regulations)



SECTION A (To be completed by applicant)

- 1. Name of Project Williams Rd
2. Location of Project Williams Road
3. Total Acreage of Site 22.04
4. Current Zoning of Site RSE
5. Proposed Zoning (Classification being requested) SR-1
6. Proposed Uses (please specify each use) Single Family Homes
7. Names of Applicant(s) ECE, Inc
8. Address of Applicant(s) 4205 Dixie Highway, Elsmere, KY 41018
9. Name of Property Owner(s) Arlinghaus I, LLC (by contract)
10. Address of Property Owner(s) Edgewood, KY 41017
11. Proposed Building Intensities (please specify) 2.72 dua
12. Are there any existing buildings on the site? Yes
13. Deed Book 881, 745 Page No. 613, 310 Group No. 2004
14. Are you also applying for: no Conditional Use Permit, no Dimensional Variance
15. Have you submitted a Concept Development Plan? Yes
16. Have you had a pre-application meeting with BCPC Staff? no
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months: no Boone County Water District, n/a Florence Public Services Dept., no Duke Energy, yes Sanitation District #1, no Cincinnati Bell, yes Owen Electric Cooperative, Inc., no Boone County Public Works Department, no Kentucky Transportation Cabinet, n/a Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)

**ZONING MAP AMENDMENT
APPLICATION
PAGE 2**

- no Boone County Building Department
- no Northern Kentucky Health District
- no USDA NRCS/Boone County Conservation District
- no KY Division of Water
- no Local School District
- no Local Fire District
- Other: _____

18. Project Jurisdiction/Location
- Unincorporated Boone County Walton
 - Florence Union

19. ORIGINAL Property Owner's Signature Joe Adams *owner by contract*
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature [Signature]
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

SECTION B (To be completed by BCPC Staff)

1. Date Received 4/5/14
 2. Review Fee \$2219.60 R# 173105
 3. Check what has been submitted:
 - Application
 - Fee
 - Legal Description
 - Concept Development Plan
 - Address of Adjoining Property Owners
 - Number of Copies of Plan Received**
 4. Date Application is **Administratively Complete** as Defined in KRS 100.211
 5. Staff Reviewer Kevin Wall
 6. Committee Chairman _____
 7. Scheduled Public Hearing Date 5/4/16
 8. Boone County Planning Commission Action:
 - Approval
 - Approval with Conditions
 - Denial
- _____ Resolution #
9. Other: _____

Boone County Planning Commission
Boone County Administration Building
 2950 Washington Street, Room 317
 P.O. Box 958
 Burlington, Kentucky 41005
 (859) 334-2196 - Phone
 (859) 334-2264 - Fax
 plancom@boonecountyky.org - E-mail
 www.boonecountyky.org - Web Page

NOTE: An application consists of all fees paid in full, submitted drawings and a completed application form.

Kevin Wall

From: Treva Beagle
Sent: Thursday, April 28, 2016 11:14 AM
To: Kevin Wall
Subject: FW: 2475 graves road, Hebron,ky change of zoning to small business n professional space

-----Original Message-----

From: Edward Bruen [<mailto:boneman3@comcast.net>]
Sent: Thursday, April 28, 2016 10:59 AM
To: Planning Commission General Account
Cc: Boneman3; Joyce Bruen
Subject: 2475 graves road, Hebron,ky change of zoning to small business n professional space

Mr. Kevin T. Wall
Zoning Services
Zoning change

Mr. Wall

I have lived at 2475 Graves Road, Hebron, Ky. Since 1949, the 6.39 acres needs to be changed from present to small commercial or multiple business.

The reason for this change is with the new interchange fast approaching and the noise from the present 275 bypass makes this intolerable for individual housing.

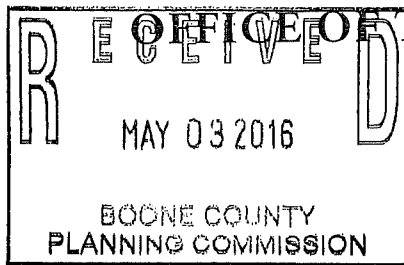
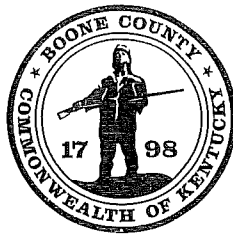
I have multiple developers interested in developing this for commercial use, i.e., convenient store and professional space. The only way that I have a buyer that will bring large sum of tax revenue for county and state is to have the property zoning changed.

I have been told that increased revenue would be in excess of \$1-3 million dollars.

With the proposed rezoning the area that adjoins my property on Williams Road, I feel that this change will provide added convenience and desire ability to the new housing development. The new interchange will destroy my long standing family residences.

Please response as quickly as possible, the date for the hearing on Williams Road is 4May2016. Due to my recent illnesses my mail had to be forwarded to my Florida address, thus the date insufficient for m to make arrangements for the needed travel.

Sincerely
Edward E. Bruen
630-669-4712
Email:boneman3@comcast.net



OFFICE OF THE COUNTY JUDGE EXECUTIVE

BOONECOUNTYKY.ORG

May 3, 2016

Mr. Kevin Costello, Executive Director
Boone County Planning Commission
2950 Washington Street
Burlington, KY 41005

Re: Treetops Estate Subdivision plan

Dear Kevin:

The purpose of this letter is to share some important information as it relates to the above proposed subdivision plan, located in the vicinity of Williams and Graves Roads.

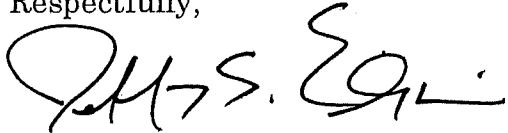
As you are aware the county has lobbied extensively for the inclusion of a possible Graves Road/I-275 interchange within the state's Six Year Highway Plan (SYHP). This possible new interchange would serve areas west of the SR 237 interchange and alleviate serious traffic congestion within the Hebron area. The county's current budget appropriates \$350,000 in funding designated for completion of an Interchange Justification Study (IJS), in partnership with KYTC, the first step in the planning process.

With the new SYHP now enacted, with the inclusion of a new project number for this study, we are concerned about any proposed development that might be approved within the footprint of this interchange study area. It is our understanding that the above referenced subdivision plan would in fact encroach within this area. Specifically, the county would support all efforts to consider this project, within the context of a proposed layout that would not adversely impact the study area and potential footprint of a new I-275 interchange at the Graves Road location.

The county stands prepared to work with the planning commission and developer to identify alternate development configurations that would address everyone's interests within this area, while also anticipating future transportation improvements that would serve the northern portion of the county.

Thank you in advance for your consideration in this important matter.

Respectfully,

A handwritten signature in black ink, appearing to read 'J.S. Earlywine', written in a cursive style.

Jeffrey S. Earlywine
County Administrator

Cc: Gary W. Moore, Judge Executive
Commissioners
Scott Pennington, County Engineer
Rob Hans, Chief District Engineer, KYTC District 6

Kevin Wall

From: Verst, Joe <jverst@sd1.org>
Sent: Tuesday, May 03, 2016 4:55 PM
To: Kevin Wall
Cc: Greg Stacy; Greg Haggard; John Warndorf
Subject: Treetops Development
Attachments: Sand Run Schematic.png

Hi Kevin,

I received your phone message about the Treetops Development and questions on how they are going to avoid the Sand Run area, which lacks capacity for any development at this time.

Rather than tie into existing gravity sewers that are tributary to the Sand Run Pump Station, Treetops is instead going to construct a new pump station and force main and take the flow to the existing IDI Pump Station.

IDI has capacity to accept flow.

I have attached a schematic that shows the Sand Run bottleneck and Treetops force main route to the IDI Pump Station.

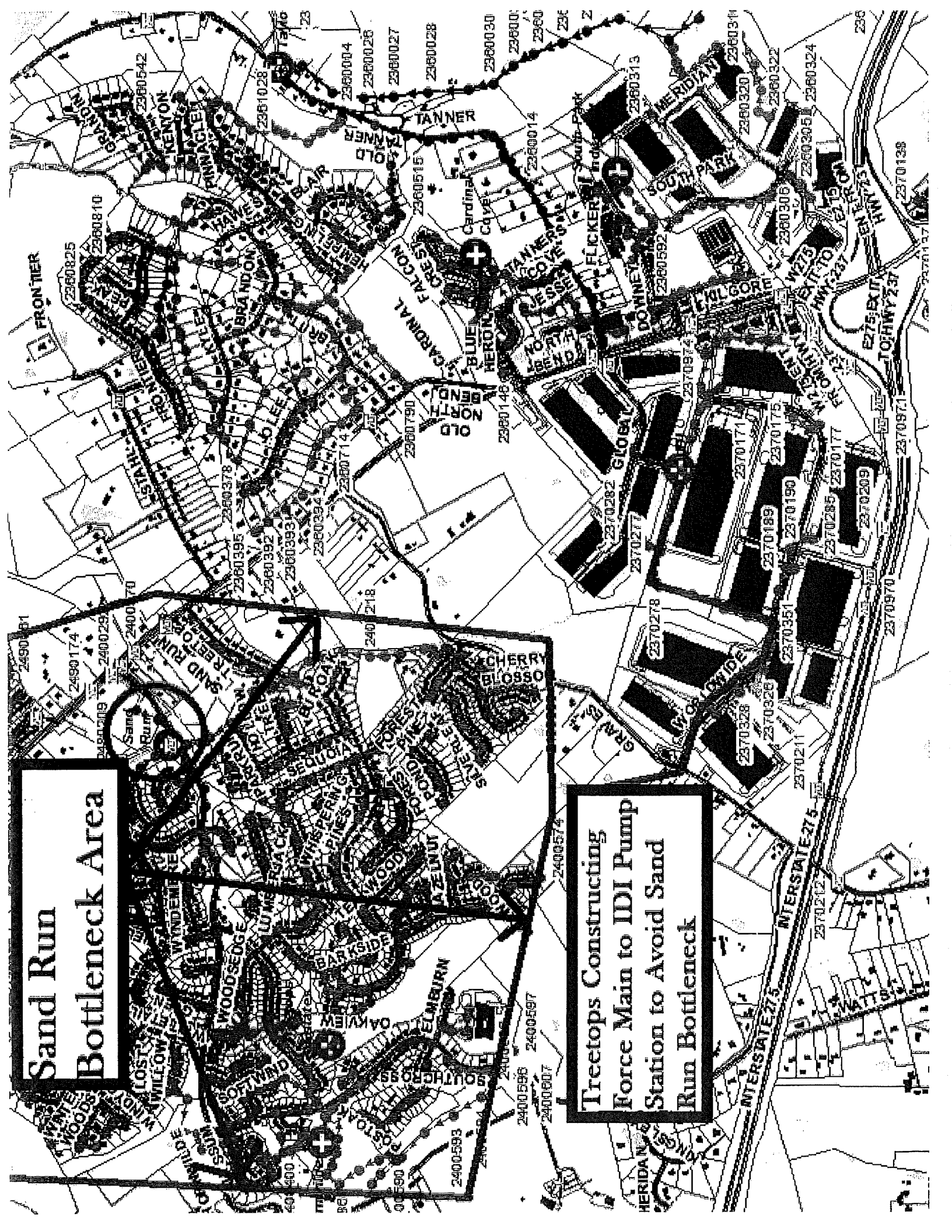
If you have any additional questions, don't hesitate to contact me.

Regards,

Joe Verst, P.E.
Project Engineer
Planning & Design Group
SD1
1045 Eaton Drive
Ft. Wright, KY 41017
Telephone: 859-578-7467
Fax: 859-578-6897
Email: jverst@sd1.org

Sand Run Bottleneck Area

Treetops Constructing Force Main to IDI Pump Station to Avoid Sand Run Bottleneck



EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: June 1, 2016

RE: Request of **ECE, Inc. (applicant)** for **Arlinghaus I, LLC (owner by contract)** for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for a 22.04 acre site located on Williams Road between 2302 Williams Road and 2475 Graves Road, including the tract at 2338 Williams Road, Boone County, Kentucky. The request is for a zone change to allow a subdivision for detached single family residences.

REMARKS:

We, the Committee, recommend approval of the above referenced request based on the following findings of fact and with the following condition:

FINDINGS OF FACT

1. The Committee has concluded that the proposed Zoning Map Amendment is in agreement with the 2010 Boone County Comprehensive Plan due to the following reasons.
 - A. The 2010 Boone County Comprehensive Plan's Future Land Use Map designates approximately three quarters of the site as "High Suburban Density Residential" (HSD). This designation is described as "single-family and/or attached housing of up to 8 dwelling units per acre. This classification is typified by townhouse, condominium, and zero-lot line development, and also pertains to existing mobile home parks." The remaining approximate one quarter (located along the west property line) is designated for "Suburban Residential" (SR) uses. This designation is described as "single family housing of up to four units per acre. This classification does not preclude low density or estate residential developed as a formal subdivision."

The Land Use Element ("17. North Hebron," pg. 180) states "some Suburban Residential and Rural Density Residential development should occur along the southern portion of Williams Road as a result of infrastructure improvements" and "land in the Williams Road area, north of I-275, is suitable for some Suburban Density residential development now that Worldwide Boulevard is completed and water and sanitary sewer are available." The proposal is for a subdivision of detached single family residences. The proposed density for the zone change area is 2.81 dwelling units per acre (62 lots on 22.04 acres), which is in agreement with the Future Land Use Map and the Land Use Element text.

- B. The Housing Element ("North River/I-275 Corridor Area," pp. 83 and 84) states "North Bend Road has been upgraded to better serve development in that corridor, including the continuation of Thornwilde and the new Rivers Pointe Estates" and "the Williams Road area should be evaluated in the Land Use Element for future residential growth, if infrastructure can be provided." Both the applicant and Sanitation District #1 have provided information which demonstrates that adequate infrastructure will be provided.
- C. Street connections between adjoining properties are advocated by the Future Land Use Development Guidelines ("Access Management," pg. 163 and "Transportation and Pedestrian Network," pp. 163 and 164) and the Goals and Objectives ("Housing," Objectives 8 and 12, and "Transportation," 2nd Goal, Objectives 2 and 3). Exhibit 6-14 "Connector Streets and Roads" (pg. 6-22) of the Boone County Transportation Plan 2030 illustrates a "intermediate connector" (Worldwide Boulevard extension) extending westward across Graves Road and approximately through the portion of the proposed subdivision that is already zoned SR-1. Also, street connections between adjoining developments are commonly required by Section 305.N "Temporary Dead-End Streets and Street Connections to Adjoining Tracts of Areas" of the Boone County Subdivision Regulations. The applicant has stated that street connections will be addressed at the preliminary plat stage per Section 305.N of the subdivision regulations.
- D. The Goals and Objectives ("Housing," Objective 12) state "residential developments shall be encouraged to plan and build in a manner which is compatible not only with the general housing density and design planned for the area but also with the existing conditions of the site, including the suitability of adjoining lands for appropriate access, and significant site features." The proposed development is an extension of the Tree Tops and Treetops Estates subdivisions to the north, and is comparable in density and character to many other residential subdivisions in the surrounding North Bend Road area. As mentioned above, the Future Land Use Map designates most of the zone change area for High Suburban Density Residential uses and the remainder for Suburban Residential uses. Based on these facts, the Committee has concluded that the proposed development will be compatible with the general housing density and design for the area, both existing and planned.
2. A new freeway interchange at the Graves Road/I-275 overpass is discussed several times in the 2010 Boone County Comprehensive Plan (Land Use Element, Business Activity Element, and Transportation Element). It is also discussed in the Boone County Transportation Plan 2030. This project is in the newly adopted Six Year Highway Plan and an Interchange Justification Study is scheduled to begin later this year. The study will take approximately one year to complete. The layout of the

interchange will be determined through the Interchange Justification Study, and it could potentially impact the zone change area. In an effort to coordinate the planned interchange with the Concept Development Plan, the property owner has agreed to the condition outlined below regarding phasing and timing of the development, and revising the layout if needed.

3. The Committee has concluded that the attached condition is necessary to achieve consistency with the specific goals, objectives, and policies of the 2010 Boone County Comprehensive Plan. The Committee has also concluded that the attached condition is necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with this condition.

CONDITION

1. Construction of the overall subdivision will begin at the north end of the site by the Treetops Estates Subdivision and progress southward in a continuous manner. Development will not occur in the zone change area until either the Interchange Justification Study for the planned interchange at the Graves Road/I-275 overpass has been completed, or two (2) years from the date of the final Boone County Fiscal Court action on the zone change request has passed, whichever is sooner. The subdivision plan will be adjusted as necessary to accommodate the planned interchange.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request. Attached is the signature page for the Zone Change/Concept Plan Committee Vote.

COMMISSION MEMBERS PRESENT:

Mr. Matt Apke
Mr. Randy Bessler
Mr. Greg Breetz
Mr. Mike Ford, Vice Chairman
Mrs. Lori Heilman
Mr. Mark Hicks
Mr. Don McMillian
Ms. Lisa Reeves
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mr. Kim Bunger, Secretary/Treasurer
Mrs. Janet Kegley
Mr. Kim Patton
Mr. Charlie Reynolds

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Kevin T. Wall, AICP, Director, Zoning Services
Mr. Todd K. Morgan, AICP, Senior Planner
Mr. Mitchell A. Light, Asst. Zoning Administrator

Chairman Rolfsen called the Public Hearing to order at 7:46 P.M. and introduced the second item on the Agenda:

ZONING MAP AMENDMENT - Kevin Wall, Staff

2. Request of **ECE, Inc. (applicant)** for **Arlinghaus I, LLC (owner by contract)** for a Zoning Map Amendment from Rural Suburban Estate (RSE) to Suburban Residential One (SR-1) for a 22.04 acre site located on Williams Road between 2302 Williams Road and 2475 Graves Road, Boone County, Kentucky. The request is for a zone change to allow a subdivision for detached single family residences.

Staff Member, Kevin Wall, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). The 22 acre site is located off Williams Road. It involves an expansion of Treetop Estates Subdivision. Part of the site is already zoned SR-1. The part located along Williams Road is zoned RSE. The applicant is requesting the 22 acre site to be rezoned SR-1. The Comprehensive Plan's Land Use Map recommends High Suburban Density Resident (HSD) of 8 units per acre. This designation covers three fourths of the site in question. The remaining land is classified Suburban Density Residential (SD), which allows single-family uses up to 4 units per acre. Sixty two lots are being proposed and the overall density is 2.8 units per acre. There is a street connection from Treetop Lane. Mr. Wall showed photographs of the site and adjoining properties. The site is made up of two tracts.

In terms of Staff Comments, Mr. Wall noted that there is a discussion about the area in the Comprehensive Plan's Land Use, Housing and Business Activity Elements. It involves the Graves Road and Williams Road area. Also noted in the Comprehensive Plan and Transportation Plan, a new interchange at Graves Road and I-275 is planned. The interchange is in the State's Six Year Highway Plan. The State is planning on beginning an Interchange Justification Study (IJS) later this year. It will take about a year at a cost of \$750,000. Boone County is paying half of the cost of the study. Comments have been provided by Carol Callen Ramler from the Kentucky Transportation Cabinet. Since the County is playing a big role in the study of the new interchange, County Administrator, Jeff Earlywine, has provided a letter that is included in the packet of information. There is no planned design for the proposed interchange. That is the reason for doing the study. It could be fairly significant in terms of affecting the subject property and adjoining properties. Another issue that has been looming in the Hebron area but it does not affect the proposed site is public sanitary sewer capacity. The subject site does not flow to the Sand Run pump station. The flow will actually go to the IDI pump station. It is not an issue. An email from Greg Haggard of SD1 is included in the Staff Report. Mr. Wall received a follow-up email from Joe Verst that provides more detail and a schematic map of the pump station and lines. Mr. Wall also referenced a list in the Staff Report of the request design issues. These are smaller items versus the relationship to the Comprehensive Plan and the proposed interchange. Finally, Mr. Wall noted that the Board must evaluate the request based upon the three criteria outlined in KRS 100.

At this time, Chairman Rolfsen asked if the applicant was present and wanted to proceed with his presentation? Mr. Ray Erpenbeck, engineer for the project, stated that the Staff Report is comprehensive. All the utilities to the site are available. SD1 has given the developer capacity at the IDI lift station. Mr. Erpenbeck stated that they will be building a lift station on-site to pump the sewage to the IDI lift station. He stated they will start the development at the north end of the existing Treetop Estates site and develop south towards Williams Road. The State requested that

the subdivision be developed in phases so the IJS can be completed. The Williams Road section would be the last section developed. The applicant is agreeable to it. They understand how critical the interchange is and are willing to work with the State. The main road in the proposed development will be a sub-collector road. All the proposed streets are laid out on the ridge tops. They will not be crossing any of the streams with a street. They will be able to retain a number of trees around the perimeter of the property. The entrance to the subdivision is about 900 - 1,000 feet west of Graves Road.

Chairman Rolfsen asked when does the applicant intend to start construction on the 22 acre parcel subject to rezoning? Mr. Erpenbeck replied that it would take 4-5 years depending on the market. They will start construction in the Summer of 2017. Mr. Erpenbeck said that the site will be continuation of the Treetop Estates Subdivision in terms of price and size of housing.

At this time, Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request?

Mr. Zak Schultz, stated that he lives on Kinsley Drive, off Williams Road. He expressed a concern about traffic from Amazon. He is tired of being a prisoner of Amazon at 5:15 p.m. during the weekday. He stated that he is pro-business. From 5:00 - 6:00 p.m., forget about getting out of Williams Road. If you make a right turn onto Graves Road, there are a lot of cars. From KY 20 up towards Williams Road, he counted 75 cars. One time, it took him 30 minutes to get from his house to Kroger. That is less than a 10K from his house. It is unacceptable. If you add 62 more houses and over 120 more cars onto Williams Road, it is a lot. It would be more prudent to figure what is going to happen with the interchange before the Zone Change is approved. It doesn't make sense. Get everything fixed in place before you add more housing.

Mr. Frank Jones, 2200 Williams Road, stated he has lived in Boone County for 45 years. The project seems fair but the housing appears close. His past experience has been that neighbors throw things onto his farmland even though it is zoned SR-1. The developers design the subdivision well but the individual builders changes the water runoff. Neighbors are making trenches and running their water on his property. How will the new property be designed for storm water? There is a dump at a point on the northern side. The dump has been there for 40 years. He expressed a concern that the developer will push it or bury it on his property. The previous development had problems and the developer didn't care. He is against the project unless the developer can do a better job of watering, building and making sure the site is graded properly for storm water. He inquired about several properties or lots in the proposed development. Who will do the maintenance? What will it be and who will maintain it?

Chairman Rolfsen asked where the dump was located and are people still dumping material? Mr. Jones showed the location of the dump and stated that each year there is something new. It is a good size dump. Chairman Rolfsen stated that the dump has nothing to do with the proposed request but the County Solid Waste Department could investigate it. Mr. Costello noted that the developer would most likely clean the dump up before selling a lot for development.

Mrs. Patti Montoya, 2110 Williams Road, stated that often developers sell lots to other developers/builders. In the past other developers/builders have torn down their fence and thrown their waste onto their farm. More effort should be made to avoid this in the future. They should be more thoughtful of her horse farm.

Seeing no one, Chairman Rolfsen asked if any of the Planning Commission Members had any questions or comments?

Mr. Ford inquired about the total number of lots in Treetops Estates Subdivision. Mr. Wall responded that he would provide that figure at the Zone Change Committee Meeting. Mr. Ford asked if the proposed 22 acres be developed exclusively by Arlinghaus Builders? Is there a plan to sell individual lots to other builders? Mr. Erpenbeck replied that it will be solely an Arlinghaus development. No lots will be sold to individual builders.

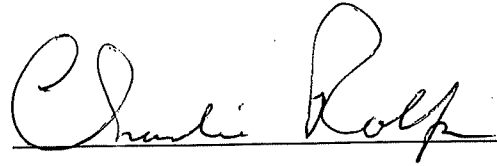
Chairman Rolfsen asked about the areas that are not building lots? Mr. Erpenbeck stated that the lots will be used for a lift station, an open space flag lot and detention pond. Mr. Erpenbeck stated that he has not personally looked at the dump but it will have to be cleaned up.

Mrs. Heilman asked how close is the detention area located to the property along Graves Road? How close is it to Tree Tops Subdivision and the adjoining property owner? Mr. Erpenbeck stated there are subdivision residences and a flag lot next to the detention pond.

Mr. Breetz asked whether the applicant had any discussion about the proposed interchange with State officials in order to know the impact? Mr. Erpenbeck replied that the design most likely will be a diamond shape interchange. That is all they know until the study is completed in a year or year and a half. Mr. Breetz asked if the lift station has to be constructed in the first phase of development? Mr. Erpenbeck responded yes. No houses will be built next to it until the interchange study is completed. It will be built as far away as possible so it doesn't have to be moved because of the interchange.

There being no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on May 18, 2016 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on June 1, 2016 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 8:19 P.M.

APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Kim Patton, Chairman

DATE: May 18, 2016

ZONING MAP AMENDMENT - Kim Patton, Chairman, Kevin Wall, Staff

3. Request of **ECE, Inc. (applicant)** for **Arlinghaus I, LLC (owner by contract)** for a Zoning Map Amendment from Rural Suburban Estate (RSE) to Suburban Residential One (SR-1) for a 22.04 acre site located on Williams Road between 2302 Williams Road and 2475 Graves Road, Boone County, Kentucky. The request is for a zone change to allow a subdivision for detached single family residences.

REMARKS:

We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

ECE/Arlinghaus

May 18, 2016

Greg Breetz

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred ___

Steve Turner

Steve Turner

For Project Absent ___
 Against Project ___
 Abstain ___ Deferred ___

Kim Bunger

Kim Bunger

For Project Absent ___
 Against Project ___
 Abstain ___ Deferred ___

Randy Bessler (Alternate)

For Project ___ Absent ___
 Against Project ___

Janet Kegley

Janet Kegley

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred ___

Mark Hicks, (Alternate)

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred ___

Kim Patton

Kim Patton, Chairman

For Project Absent ___
 Against Project ___
 Abstain ___ Deferred ___

Lori Heilman

Lori Heilman (Alternate)

For Project Absent ___
 Against Project ___
 Abstain ___ Deferred ___

TOTAL: ___ DEFERRED ___ FOR PROJECT ___ ABSENT
 ___ AGAINST PROJECT ___ ABSTAIN

SUPPORTING INFORMATION

March 4, 2016

Revised March 24, 2016

ZONE CHANGE DESCRIPTION

22.04 acres

Williams Road, Boone County, Kentucky

Being located in the Boone County, Kentucky and lying on the north side of Williams Road and being more particularly described as follows:

Beginning at the southwest corner of Schneider, D.B. 881, pg. 613 on the north line of Williams Road, thence with the west line of Schneider for two calls, N 20°55'00" W, 519.55 feet, said point being on the south line of an existing SR-1 zone line; thence with said line for three calls N 69°10'00" E, 615.00 feet to a corner of Schneider; thence continuing with said zone line N 86°27'15" E, 482.68 feet; thence S 82°45'08" E, 299.67 feet to a corner of Williams Properties LLC, D.B. 745, pg. 310; thence with said line for two calls with the S 66°41'56" E, 210.00 feet; thence S 28°31'34" W, 794.80 feet to the north line of Williams Road; thence with said road for five calls S 88°47'26" W, 72.90 feet; thence S 81°55'34" W, 215.40 feet; thence N 83°52'26" W, 215.00 feet; thence N 83°46'24" W, 240.00 feet; thence N 74°21'00" W, 252.50 feet to the point of beginning and containing 22.040 acres.

This description is based on Boone County GIS Mapping and deeds of record. This description is not based on a field survey and does not comply with 201 KAP 18:150. This description is NOT FOR RECORDING OR LAND TRANSFER.



BOONE COUNTY PLANNING COMMISSION

www.boonecountyky.org/pc
www.boonecountygis.com

Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, KY 41005

Phone (859) 334-2196; Fax (859) 334-2264
plancom@boonecountyky.org

May 23, 2016

Mr. Joe Arlinghaus
Arlinghaus I, LLC
142 Barnwood Drive
Edgewood, KY 41017

FAX: 344-7983

RE: Recommended Condition of Approval for Arlinghaus I, LLC Zone Change from RSE to SR-1 for 22.04 Acre Site on Williams Road, Boone County, Kentucky

Dear Mr. Arlinghaus:

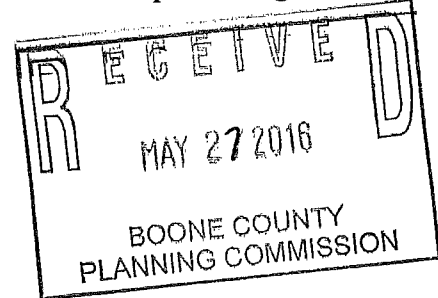
The following represents the condition of approval for the above referenced application as discussed by the Planning Commission's Zone Change Committee at their May 18, 2016 meeting. If you, as the property owner, agree to this condition, please so indicate by signing in the space provided at the end of this letter and return the original letter to the Planning Commission's office by Friday, May 27, 2016.

CONDITION

1. Construction of the overall subdivision will begin at the north end of the site by the Treetops Estates Subdivision and progress southward in a continuous manner. Development will not occur in the zone change area until either the Interchange Justification Study for the planned interchange at the Graves Road/I-275 overpass has been completed, or two (2) years from the date of the final Boone County Fiscal Court action on the zone change request has passed, whichever is sooner. The subdivision plan will be adjusted as necessary to accommodate the planned interchange.

Sincerely,

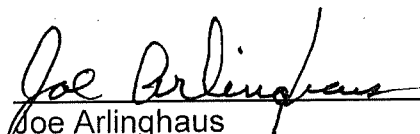
Kevin T. Wall
Director, Zoning Services



Mr. Joe Arlinghaus
May 23, 2016
Page 2

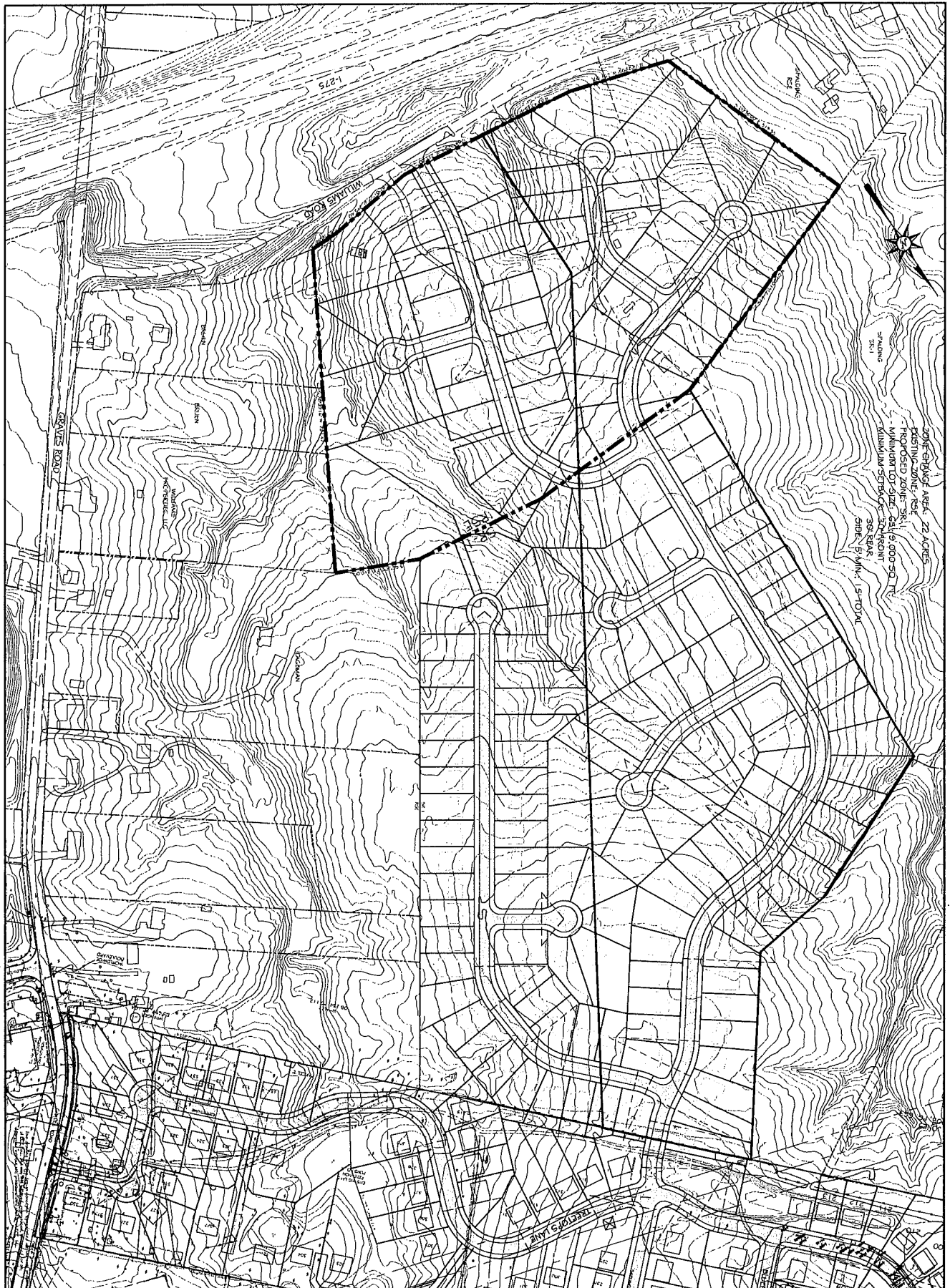
AGREEMENT

I, the property owner of the 22.04 acre site located on Williams Road, Boone County, Kentucky, agree to the condition listed herein for the above referenced Zoning Map Amendment application.


Joe Arlinghaus
Arlinghaus I, LLC
Property Owner

5-27-16
Date

KTW/tlb



ZONE CHANG AREA: 22 ACRES
 EXISTING ZONE: RES
 PROPOSED ZONE: RES
 MINIMUM LOT SIZE: 6,000 SQ. FT.
 MINIMUM LOT FRONT: 30 FEET
 SIDE SWIM: 15 TOTAL

REVISIONS			
NO.	DATE	BY	DESCRIPTION

DESIGN BY: []
 CHECK BY: []
 DATE: MAY 2015
 PROJECT NO.: 0433

PROPOSED ZONE CHANGE

TREETOPS ESTATES
 BOONE COUNTY, KENTUCKY

DEVELOPER: ARLINGHAUS BUILDERS INC.
 142 BARNWOOD DRIVE
 EDGEWOOD, KY 41017

ECE Erpenbeck
 Consulting
 Engineers, Inc.
 4205 Dixie Hwy • Elmers, KY 41018

Civil Engineers
 Land Surveyors
 Planners
 Phone: 425-727-4320
 Fax: 425-727-8112
 www.ece.com

SHEET: X OF X
 DRAWING NUMBER: X

ORDINANCE NO. 2016 - 13

AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING, WITH 1 CONDITION, A REQUEST OF ECE, INC. (APPLICANT) FOR ARLINGHAUS L, LLC (OWNER BY CONTRACT) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM RURAL SUBURBAN ESTATES (RSE) TO SUBURBAN RESIDENTIAL ONE (SR-1) FOR A 22.04 ACRE SITE GENERALLY LOCATED ON WILLIAMS ROAD BETWEEN 2302 WILLIAMS ROAD AND 2475 GRAVES ROAD, BOONE COUNTY, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change from Rural Suburban Estate (RSE) to Suburban Residential One (SR-1) for a 22.04 acre site generally located on Williams Road between 2302 Williams Road and 2475 Graves Road, Boone County, Kentucky, which is more particularly described below; and

WHEREAS, the Boone County Planning Commission as the planning unit for the unincorporated areas of Boone County, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval, with 1 condition, for the Zoning Map Amendment.

NOW, THEREFORE BE IT ORDAINED BY THE FISCAL COURT OF COUNTY OF BOONE, COMMONWEALTH OF KENTUCKY:

Section One

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby approved, with 1 condition, this Zoning Map Amendment being a zone change from Rural Suburban Estate (RSE) to Suburban Residential One (SR-1) for a 22.04 acre site generally located on Williams Road between 2302 Williams Road and 2475 Graves Road, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in a Rural Suburban Estates (RSE) zone is more particularly described in Deed Book 881 & 745, Page Nos. 613 & 310, respectively (as supplied by the applicant) as recorded in the Boone County Clerk's office.

Section Two

That a basis for this approval for a Zoning Map Amendment request are the findings of fact, and 1 condition, of the Boone County Planning Commission as set forth in its Minutes and official records for this request shall and same shall be and are hereby incorporated by reference as if fully set out in this Ordinance and same are marked as "Exhibit 1."

The Boone County Planning Commission Committee recommended approval for this request based on the findings of fact and 1 condition as set forth in the Committee Report and same is marked as "Exhibit B."

Section Three


This Ordinance shall be in effect and in full force from and after its passage, publication and recording, according to law.

Adopted this 16th day of August, 2016.


First Reading – the 19th day of July, 2016.

Second Reading – the 16th day of August, 2016 Yes 4 No 0

BOONE COUNTY FISCAL COURT


GARY W. MOORE, Judge/Executive
Boone County Fiscal Court

ATTEST:


Sharon Burcham,
Fiscal Court Clerk